**United States Department of the Interior****BUREAU OF LAND MANAGEMENT**

Fillmore Field Office

95 E 500 N

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>

IN REPLY REFER TO:
3600 (UTW02000)
UTU-79851

September 26, 2014

CERTIFIED MAIL # 7012 3460 0000 6633 2445
RETURN RECEIPT REQUESTED

DECISION

Brandon Winget	:	
Millard County Roads Department	:	43 CFR 3600 – Mineral Materials
P.O. Box 187	:	
Delta, Utah 84624	:	

Topaz Free Use Permit Expired – New Permit Required

The Topaz Free Use Permit, for extraction of sand and gravel by Millard County, was authorized on May 18, 2004 and expired on May 18, 2014. Your Topaz Free Use Permit (FUP), BLM case file number UTU-79851, is located in aliquot parts of Section 1 and 12, Township 16 South, Range 09 West; Salt Lake Meridian. Please refer to the BLM number in future correspondence.

A new permit is required for any continued use of the Topaz site by Millard County. Form 5510-1, Free Use Application and Permit, is enclosed for your convenience. If Millard County wishes to continue use of the Topaz site, the form must be completed, including the estimated quantity and planned use of the materials, and returned to the BLM Fillmore Field Office (FFO).

As stated by the Code of Federal Regulations (CFR) in 43 CFR §3604.12(a), the BLM may issue Free Use Permits to a government entity without limitation as to the number of permits or as to the value of the mineral materials to be extracted or removed, provided that the government entity shows that it will not use these materials for commercial or industrial purposes. However, as specified in 43 CFR §3604.21(a)(1), the BLM may not grant Free Use Permits to government entities for terms exceeding 10 years.

Amount of Financial Guarantee – As described in 43 CFR §3604.25, the BLM may require a bond or other security as a guarantee of compliance with the provisions of a Free Use Permit and applicable regulations, including reclamation. As a holder of a Free Use Permit for a public

purpose, Millard County is not currently required to post a Financial Guarantee, or reclamation bond, for rehabilitation of the site after use is discontinued. However, reclamation of the site is required by Millard County after cessation of use.

BLM's decisions concerning the Free Use Permit does not relieve you, the operator, of your responsibility to be in compliance with all applicable Federal, State, and local laws and regulations, and to obtain all applicable Federal, State, and local authorizations and permits. You are responsible for preventing any unnecessary or undue degradation of public lands and resources and for reclaiming all lands disturbed by your operations.

This decision does not constitute certification of ownership to any entity named in the Notice, recognition of the validity of any associated mining claims, or recognition of the economic feasibility of the proposed operations.

Term of Free Use Permit – Any new Free Use Permit will remain in effect for 10 years from the date of authorization, unless you notify this office beforehand that operations have ceased and reclamation is complete. If you wish to conduct operations, other than reclamation, at a site after expiration of a Free Use Permit, you must request a new permit, specify the amount of material to be removed, and submit production reports at least annually.

Appeal of the Decision - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.800, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office at:

Utah State Office
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345

The request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Fillmore Field Office
Bureau of Land Management
95 East 500 North,
Fillmore, Utah 84631

Your notice of appeal must be filed within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

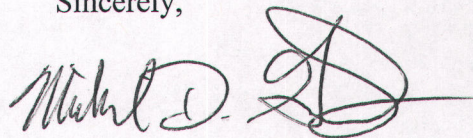
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a Stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the Stay is not granted, and
4. Whether the public interest favors granting the Stay.

If you have any questions, please contact Duane Bays, Fillmore Field Office Natural Resource Specialist, at (435) 743-3115.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Gates", followed by a large, stylized flourish or second signature.

Michael D. Gates
Field Manager

Enclosures: Form 1842-1
Form 5510-1

cc:

Paul Baker

UDOGM

1594 W North Temple Ste 1210

Salt Lake City, UT 84114

Utah State Office

Bureau of Land Management

440 West 200 South, Suite 500

Salt Lake City, UT 84101-1345